

AMENDED IN ASSEMBLY JUNE 1, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 302

Introduced by Assembly Member Beall
(Coauthors: Assembly Members Chesbro and Portantino)

February 17, 2009

An act to amend Section 4434 of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 302, as amended, Beall. Developmental services: regional centers.

Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is authorized to contract with regional centers to provide, either directly or through the purchase of finances, services, and supports to individuals with developmental disabilities. Under existing law, the department is required to ensure that regional centers comply with state and federal law, including, among other things, purchase of services policies.

This bill would require the department to use *specified* existing data to determine specified information, for the state as a whole and by regional center, relevant to the use of purchase of services funds by regional centers for linguistically and ethnically diverse consumers.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4434 of the Welfare and Institutions Code
- 2 is amended to read:

1 4434. (a) Notwithstanding preexisting rights to enforce the
2 Lanterman Developmental Disabilities Services Act (Division 4.5
3 (commencing with Section 4500)), it is the intent of the Legislature
4 that the department ensure that the regional centers operate in
5 compliance with federal and state law and regulation and provide
6 services and supports to consumers in compliance with the
7 principles and specifics of this division.

8 (b) The department shall take all necessary actions to support
9 regional centers to successfully achieve compliance with this
10 section and provide high quality services and supports to consumers
11 and their families.

12 (c) The contract between the department and individual regional
13 centers required by Chapter 5 (commencing with Section 4620)
14 of Division 4.5 shall include a provision requiring each regional
15 center to render services in accordance with applicable provisions
16 of state laws and regulations. In the event that the department finds
17 a regional center has violated this requirement, or whenever it
18 appears that any regional center has engaged in or is about to
19 engage in any act or practice constituting a violation of any
20 provision of Division 4.5 (commencing with Section 4500) or any
21 regulation adopted thereunder, the department shall promptly take
22 the appropriate steps necessary to ensure compliance with the law,
23 including actions authorized under Section 4632 or 4635. The
24 department, as the director deems appropriate, may pursue other
25 legal or equitable remedies for enforcement of the obligations of
26 regional centers including, but not limited to, seeking specific
27 performance of the contract between the department and the
28 regional center or otherwise act to enforce compliance with
29 Division 4.5 (commencing with Section 4500) or any regulation
30 adopted thereunder.

31 (d) As part of its responsibility to monitor regional centers, the
32 department shall collect and review printed materials issued by
33 the regional centers, including, but not limited to, purchase of
34 service policies and other policies and guidelines utilized by
35 regional centers when determining the services needs of a
36 consumer, instructions and training materials for regional center
37 staff, board meeting agendas and minutes, and general policy and
38 notifications provided to all providers and consumers and families.
39 Within a reasonable period of time, the department shall review
40 new or amended purchase-of-service policies prior to

1 implementation by the regional center to ensure compliance with
2 statute and regulation. The department shall take appropriate and
3 necessary steps to prevent regional centers from utilizing a policy
4 or guideline that violates any provision of Division 4.5
5 (commencing with Section 4500) or any regulation adopted
6 thereunder.

7 (e) (1) As part of its responsibility to monitor regional centers
8 and to assist in determining whether ~~purchase-of-service~~
9 *purchase-of-service* funds are being spent equitably among the
10 state's linguistically and ethnically diverse population, the
11 department shall use existing data *from the client master file, the*
12 *client development evaluation report file, and the*
13 *purchase-of-service file*, to determine all of the following:

14 (A) The number and percentage of individuals, by ethnicity and
15 age and by primary language and age, who have been determined
16 to be eligible for regional center services but are not receiving any
17 services using ~~purchase-of-service~~ *purchase-of-service* funds.

18 (B) The average annual per capita ~~purchase-of-service~~
19 *purchase-of-service* expenditures for individuals who are receiving
20 services using ~~purchase-of-services~~ *purchase-of-services* funds,
21 overall, by residence type, and by service category with details by
22 ethnicity and age and primary language and age.

23 (2) The data required by paragraph (1) shall be determined for
24 the state as a whole and separately for each regional center. The
25 data shall be updated annually and posted on the department's
26 Internet Web site.